

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Sabrina D. Davis,

Plaintiff,

v.

Kia Motors of America/
Kia Motors of America, Inc.

Defendant.

C/A No. 6:10-2931-TMC

OPINION & ORDER

Plaintiff, proceeding *pro se*, has filed a Complaint alleging that the Defendant is in violation of the Federal Warranty Act.¹ In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., all pre-trial proceedings were referred to a Magistrate Judge. On November 22, 2010, Magistrate Judge Kevin F. McDonald issued a Report and Recommendation ("Report") recommending Plaintiff's Complaint be dismissed without prejudice and without issuance and service of process due to failure to establish federal subject matter jurisdiction. (Dkt. # 12). The Magistrate Judge provided Plaintiff a notice advising her of her right to file objections to the Report. (Dkt. # 12 at 9). Plaintiff filed objections to the Magistrate Judge's Report on November 29, 2010. (Dkt. # 14).

The court is charged with making a de novo determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). The district court is obligated to conduct a de novo review of every portion of the Magistrate Judge's report

¹ As set forth in the Magistrate Judge's Report and recommendation, this is the third attempt by Plaintiff to sue Kia Motors. The other two cases were submitted by Plaintiff as "breach of contract" claims and were dismissed without prejudice for lack of subject matter jurisdiction.

to which objections have been filed. *Id.* The district court need not conduct a de novo review when a party makes only general and conclusory objections that do not direct the court to a specific error in the Magistrate Judge's proposed findings and recommendations. *Orpiano v. Johnson*, 687 F.2d 44, 47-48 (4th Cir.1982). The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The court has carefully reviewed Plaintiff's objections and finds that her objections are non-specific, unrelated to the dispositive portions of the Magistrate Judge's Report and Recommendation, or merely restate her claims. Plaintiff's objections provide no basis for this court to deviate from the Magistrate Judge's recommended disposition. Plaintiff simply has not alleged sufficient factual information to establish federal subject matter jurisdiction.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court finds Plaintiff's objections are without merit. Accordingly, the court adopts the Report and incorporates it herein. It is therefore **ORDERED** that the Complaint is **DISMISSED** without prejudice and without issuance and service of process.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

December 9, 2011
Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.